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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/054,597

01/22/2002

Gregory S. Lauer

7140

7590

05/25/2006

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EXAMINER

BAYAT, BRADLEY B

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/054,597	LAUER, GREGORY S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bradley B. Bayat	3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 1, 2006 has been entered.

### ***Status of Claims***

This communication is in response to amendment filed on March 1, 2006

- Claims 1, 10 and 19 have been amended.
- Claims 1-19 remain pending.

### ***Response to Arguments***

Applicant's arguments filed March 1, 2006 have been fully considered but they are not persuasive.

Applicant argues that in light of the amendment to the claims, the cited reference (El Fekih et al., US 2002/0039352 A1) fails to anticipate the claims since it does not provide for each element. Particularly, applicant contends that El-Fekih does not teach or suggest using a first graphical user interface for one of the traffic classes or for using a second graphical user interface for a second of the traffic classes to obtain an indication there of (response p. 16-17). The examiner respectfully disagrees.

As disclosed by El Fekih and actually provided in the claims of the cited reference, "one or more service templates may be generated [0014]." In fact, El Fekih discloses that "although

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an SLA is typically based on a service entity, such as a VPN, the various quality parameters may be VPN based, VC based, and/or NI based. Embodiments of the present invention may be used to manage a SLA between a service provider and a customer of the service provider by first generating an SLA template or package, similar to a service package, and then associating the SLA template with the particular customer and service to create a SLA contract [0102].” A “service contract manager module 102 and QoS manager module 104 **generate one or more service templates** that each comprise conformance categories for a service agreement. The conformance categories may correspond to various quality parameters, such as an availability category, a delay category, an error category, an MTTR category, and/or a MTBSO category. Moreover, in particular embodiments of the present invention, the service agreement may not be unilateral but may also be bilateral and used to bind a customer to a certain traffic contract. Therefore, the conformance categories may include customer traffic parameters such as PCR, SCR, CDVT, GCRA, and/or UPC disagreement for ATM. A threshold range is then associated with each conformance category, which specifies a range of valid thresholds that may be defined for the particular conformance category [0103, emphasis added].”

In fact, El Fekih discloses that “a service provider and/or customer through the service contract viewer module 154 provides input to the service contract manager to **select a particular service template** that will be used to generate a SLA contract. The service provider and/or customer may then, at block 266, enter thresholds via the QoS viewer module 156 for each of the conformance categories in the **selected service template** that are within the range of valid thresholds specified at block 262. These thresholds will be received by the QoS manager module 104 and used by the VPN topology manager module 108 to determine whether the service and/or

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the network 22 quality and performance complies with the SLA contract. To generate the SLA contract, the service contract manager module 102 associates the selected service template and thresholds with a specific customer VPN at block 268 [0104, emphasis added].”

Therefore, applicant’s argument of providing more than one GUI template is without merit, since El Fekih anticipates that multiple service templates may be generated for corresponding conformance categories for a service agreement. Moreover, El Fekih discloses that the service management system may be used to generate a configuration for carrying a proposed traffic stream, wherein for instance, a client provides a proposed traffic description to the traffic shaping advisor module. Accordingly, applicant’s contention that El Fekih merely anticipates a single GUI template in managing service is without merit.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by El-Fekih et al. (hereinafter El-Fekih), US 2002/0039352 A1.**

As per the following claims, El-Fekih discloses:

1. A method for generating node configuration data, comprising: forming a service level agreement template, said forming including determining a plurality of traffic classes,

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determining at least one required input for a first graphical user interface, and determining at least one required input for a second graphical user interface; obtaining service level agreement constraints for at least one service level agreement, said obtaining including generating said first graphical user interface, obtaining, through said first graphical user interface, indication of a selected one of said plurality of traffic classes, obtaining, through said second graphical user interface, at least one value associated with said at least one required input for said second graphical user interface, generating said second graphical user interface, and obtaining, through said second graphical user interface, at least one value associated with said at least one required input for said second graphical user interface; and generating, responsive to said selected one of said plurality of traffic classes, said at least one value associated with said at least one required input for said first graphical user interface, and said at least one value associated with said at least one required input for said second graphical user interface, node configuration data, said node configuration data describing how at least one resource in at least one networking device is to be configured to support at least one network service described by said selected one of said plurality of traffic classes, said at least one value associated with said at least one required input for said first graphical user interface (§14-21; 43-48, 101-114; figures 15, 18-20 and associated text).

2. The method of claim 1, further comprising: determining at least one default equation associated with said first graphical user interface; applying said default equation to said at least one value associated with said at least one required input for said first graphical user interface to generate a first set of outputs; and wherein said generating said node configuration data is further

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responsive to said first set of outputs (§§39, 83-98).

3. The method of claim 1, said forming said service level agreement template further comprising: determining at least one optional input for said first graphical user interface; determining at least one format of at least one screen display in said first graphical user interface, wherein said at least one screen format includes a first field associated with said required input for said first graphical user interface and a second field associated with said optional input for said second graphical user interface; and wherein said generating said first graphical user interface includes displaying said at least one screen display (figures 1 and associated text, §§40-42, 104-110).

4. The method of claim 2, wherein said at least one default equation comprises program code (§§70-87; figures 3-6 and associated text).

5. The method of claim 1, wherein said determining said at least one required input for said second graphical user interface further comprises determining required information describing at least one resource associated with at least one networking device, wherein said required information associated with said at least one resource describes, at least in part, a virtual private network (figures 18-20 and associated text).

6. The method of claim 5, wherein said required information describing said at least one resource comprises a virtual network identifier (§§37-57).

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7. The method of claim 5, wherein said required information describing said at least one resource comprises an indication of whether connectivity is required between said at least one networking device and a second networking device (figure 7 and associated text).

8. The method of claim 1, wherein said forming said service level agreement template further includes: determining at least one optional input for said second graphical user interface, determining at least one format of at least one screen display in said second graphical user interface, wherein said at least one screen format includes a first field associated with said required input for said second graphical user interface and a second field associated with said at least one optional input for said second graphical user interface; and wherein said generating said second graphical user interface includes displaying said at least one screen display in said second graphical user interface responsive to said at least one format (§32-52).

9. The method of claim 1, wherein said forming a service level agreement template comprises receiving at least one input through a third graphical user interface (§50).

Claims 10-19 are directed to a system of the above claimed method and are rejected as above.

*Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested*



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*from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent 6,822,940 B1 to Zavalkovsky et al.
- U.S. Patent 6,721,713 B1 to Guheen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday - Friday 8 a.m.-6:30 p.m. and by email: [bradley.bayat@uspto.gov](mailto:bradley.bayat@uspto.gov). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:

(571) 273-8300 - Official communications; including After Final responses.

(571) 273-6704 - Informal/Draft communications to the examiner.



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